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Appl. No.: 10/663,448; Issued Patent No. 7,126,326 B2
Docket No.: BGJ-102
Petition Under 37 CFR 1.181(a) to Correct Mistake in Patent Incurred Through fault of the USPTO



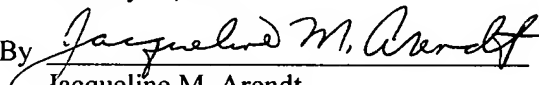
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Georg Muller)	Confirmation No.: 1586
)	
Serial No.:	10/663,448)	Group Art Unit: 2858; 2829
U.S. Patent No.:	7,126,326 B2)	
)	
Filed:	16 September 2003)	Examiner: CHAN, Emily Y.
)	

Title SEMICONDUCTOR DEVICE TESTING APPARATUS, SEMICONDUCTOR DEVICE TESTING SYSTEM, AND SEMICONDUCTOR DEVICE TESTING METHOD FOR MEASURING AND TRIMMING THE OUTPUT IMPEDANCE OF DRIVER DEVICES

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 16, 2007.

By 
Jacqueline M. Arendt

Dated: February 16, 2007

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a) and 35 U.S.C.254 FOR CORRECTION OF MISTAKE IN A PATENT, INCURRED THROUGH THE FAULT OF THE PATENT AND TRADEMARK OFFICE

Sir:

This Petition is filed pursuant to 37 C.F.R. § 1.181, § 1.322, and 35 U.S.C. 254, requesting that the mistakes in the claims of the above-identified patent, incurred through the fault of the United States Patent Office, which mistakes are clearly disclosed on the record, be corrected. Exhibits 1-3 are also filed herewith.

Statement of Facts:

The above-identified application issued on October 24, 2006 with only Claim 1 as allowed, and with Claims 2 through 12 incorrect, that is, not as allowed. Petitioner submits that a review of the USPTO electronic file of this application would show that the mistakes in the issued claims were not made by the Applicant. The referenced mistakes were most likely made at the Office of Publications, and the Office of Publications did not provide the independent contractor with the correct claims as allowed by the Examiner.

In the chart below, Petitioner points out the parts of the USPTO electronic file which need to be reviewed to establish what claims should have been present in the patent as issued.

Date	Document Description	Points to be Reviewed
11-9-05	Amendment After Final & Claims	Claims filed with Amendment after Final.
11-23-05	Advisory Action & Claims	Examiner states that: For purposes of appeal, the proposed amendments will be entered..., and Status of Claims: Claims 2-4 are allowed; & Claims 1 and 5-12 are rejected.
12-19-05	Request for Continued Exam. (RCE), Amendment, & Claims	According to the Examiner's suggestion, Independent Claim 1, and Claims 5 and 6, dependent on Claim 1, were amended; and the Amendment was entered.
2-10-06	Non-Final rejection	Claims 2-4 are allowed; Claims 1 and Claims 5-12 rejected.
5-8-06	Amendment, & Claims	No Claims were amended. Argument was made.
7-3-06	Notice of Allowability., Index of Claims	Notice of Allowability provides: Responsive to communication of 5-8-06, the allowed claims are 1-12. Index of Claims 1-12, shows that on 6-20-06, Claims 1-12 are all allowed

Attached hereto as **Exhibit 1** is a copy of the index of the PAIR Image File Wrapper, a review of which will show that the points made in the above chart are correct. The undersigned attests to the fact that a search of the paper filewrapper she has maintained also shows that the Claims 1-12 in the USPTO electronic filewrapper as of 5-8-06 are the claims that were allowed and that should have issued as such. Attached hereto as **Exhibit 2** is a copy of Claims 1-12 as expected to issue. The undersigned attests to the fact that the Claims 1-12 in **Exhibit 2** are identical to the claims as allowed by the Examiner.

Attached hereto as **Exhibit 3** is a copy of US 7,126,326 B2. A review of the claims in this issued patent, and a comparison of the issued claims to the claims as allowed, shows that only Claim 1 of the referenced patent is correct.

Based on the foregoing, Petitioner believes that she has made a showing that establishes that a mistake in the claims of the issued patent has been made by the U.S. Patent Office or its agents.

Applicable Law and Regulations:

35 U.S.C. 254 Certificate of correction of Patent and Trademark Office mistake provides that:

Whenever a mistake in a patent, incurred through the fault of the Patent and Trademark Office, is clearly disclosed by the records of the Office, the Director may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of patents. A printed copy thereof shall be attached to each printed copy of the patent, and such certificate shall be considered as part of the original patent. Every such patent, together with such certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form. **The Director may issue a corrected patent without charge in lieu of and with like effect as a certificate of correction. [Emphasis added.]**

37 CFR § 1.322 Certificate of correction of Office mistake provides, at Part (a)(1) that:

The Director may issue a certificate of correction pursuant to 35 U.S.C. 254 to correct a mistake in a patent, incurred through the fault of the Office, which mistake is clearly disclosed in the records of the Office.

and provides, at Part (b) that:

If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Director may issue a corrected patent in lieu thereof as a more appropriate form for certificate of correction, without expense to the patentee.

37 CFR § 1.181 Petition to the Director provides, at Part (a)(2), that a Petition may be taken to the Director: “In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director.” As set forth above, **35 U.S.C. 254** and **37 CFR § 1.322** specify that the matter is to be reviewed by the Director.

Conclusion:

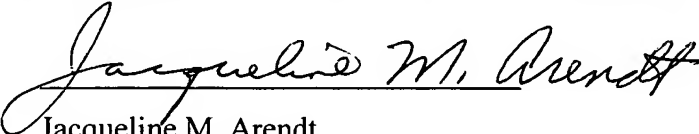
Petitioner respectfully submits that she has shown that mistakes in the claims of the issued patent were incurred solely through the fault of the United States Patent Office, which mistakes are clearly disclosed on the record, and requests that these mistakes be corrected.

Petitioner believes that, due to the substantial nature of the mistakes in the claims as issued, the issuance of a corrected patent may be more appropriate than a certificate of correction, and hereby requests that, in accordance with 35 USC 254 and 37 CFR § 1.322, the Director issue a corrected patent without expense to the patentee. Accordingly, it is believed that no fees are due in this matter.

In the event the Office of Petitions has any queries regarding the instantly submitted Petition, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

Respectfully submitted,

ARENDT & ASSOCIATES INTELLECTUAL PROPERTY GROUP

By 
Jacqueline M. Arendt
Attorney for Applicants
Registration No 43,474

Dated: February 16, 2007

Customer No. 44590

ARENDT & ASSOCIATES INTELLECTUAL PROPERTY GROUP
P.O. Box 299
Harvard, MA 01451-0299
Telephone: (978) 897-8400
Facsimile: (978) 582-5547

Attachments: Exhibits 1, 2, and 3


 U.S. 10/663,448 "Exhibit 1"
 United States Patent and Trademark Office

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10/663,448

 SEMICONDUCTOR DEVICE TESTING APPARATUS, S
 SYSTEM, AND SEMICONDUCTOR DEVICE TESTING M
 TRIMMING THE OUTPUT IMPEDANCE OF DRIVER DE

Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Foreign Priority	Published Documents
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This application is officially maintained in electronic form. To View: Click the Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description	Pa
09-19-2006	Issue Fee Payment Recorded	
07-03-2006	Notice of Allowance and Fees Due (PTOL-85)	
07-03-2006	Notice of Allowance and Fees Due (PTOL-85)	
07-03-2006	Issue Information including classification, examiner, name, claim, renumbering, etc.	
07-03-2006	Index of Claims	
07-03-2006	Search information including classification, databases and other search related notes	
07-03-2006	Bibliographic Data Sheet	
06-20-2006	Examiner's search strategy and results	
05-08-2006	Fee Worksheet (PTO-875)	
05-08-2006	Amendment - After Non-Final Rejection	
05-08-2006	Claims	
05-08-2006	Applicant Arguments/Remarks Made in an Amendment	
02-10-2006	Non-Final Rejection	
02-10-2006	List of references cited by examiner	

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"Exhibit 1"

	02-10-2006	<u>Bibliographic Data Sheet</u>
	02-10-2006	<u>Index of Claims</u>
	02-10-2006	<u>Search information including classification, databases and other search related notes</u>
	02-02-2006	<u>Examiner's search strategy and results</u>
	02-01-2006	<u>Examiner's search strategy and results</u>
	01-31-2006	<u>Examiner's search strategy and results</u>
	12-19-2005	<u>Fee Worksheet (PTO-875)</u>
→	12-19-2005	<u>Amendment Submitted/Entered with Filing of CPA/RCE</u>
→	12-19-2005	<u>Claims</u>
	12-19-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>
→	12-19-2005	<u>Request for Continued Examination (RCE)</u>
	12-19-2005	<u>Transmittal to TC</u>
→	11-23-2005	<u>Advisory Action (PTOL-303)</u>
→	11-23-2005	<u>Claims</u>
	11-23-2005	<u>Bibliographic Data Sheet</u>
→	11-09-2005	<u>Amendment After Final</u>
→	11-09-2005	<u>Claims</u>
	11-09-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>
	09-12-2005	<u>Final Rejection</u>
	09-12-2005	<u>List of references cited by examiner</u>
	09-12-2005	<u>Search information including classification, databases and other search related notes</u>
	09-12-2005	<u>Index of Claims</u>
	09-12-2005	<u>Bibliographic Data Sheet</u>
	09-05-2005	<u>Examiner's search strategy and results</u>
	09-03-2005	<u>Examiner's search strategy and results</u>
	07-19-2005	<u>Fee Worksheet (PTO-875)</u>
	07-19-2005	<u>Index of Claims</u>

"Exhibit 1"

06-20-2005	<u>Fee Worksheet (PTO-875)</u>
06-20-2005	<u>Amendment - After Non-Final Rejection</u>
06-20-2005	<u>Claims</u>
06-20-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>
03-16-2005	<u>Non-Final Rejection</u>
03-16-2005	<u>List of references cited by examiner</u>
03-16-2005	<u>List of References cited by applicant and considered by examiner</u>
03-16-2005	<u>Index of Claims</u>
03-16-2005	<u>Search information including classification, databases and other search related notes</u>
03-16-2005	<u>Bibliographic Data Sheet</u>
03-02-2005	<u>Examiner's search strategy and results</u>
02-02-2005	<u>Fee Worksheet (PTO-875)</u>
01-18-2005	<u>Response to Election / Restriction Filed</u>
01-18-2005	<u>Claims</u>
01-18-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>
01-18-2005	<u>Change of Address</u>
01-18-2005	<u>Transmittal to TC</u>
12-13-2004	<u>Requirement for Restriction/Election</u>
12-13-2004	<u>Bibliographic Data Sheet</u>
12-13-2004	<u>Index of Claims</u>
11-27-2004	<u>Examiner's search strategy and results</u>
02-11-2004	<u>Oath or Declaration filed</u>
02-11-2004	<u>Change of Address</u>
02-11-2004	<u>Information Disclosure Statement (IDS) Filed</u>
02-11-2004	<u>Foreign Reference</u>
02-11-2004	<u>Certified Copy of Foreign Priority Application</u>
12-08-2003	<u>Pre-Exam Formalities Notice</u>
09-16-2003	<u>Transmittal letter</u>

"Exhibit 1"

09-16-2003	Specification
09-16-2003	Claims
09-16-2003	Abstract
09-16-2003	Drawings
09-16-2003	Miscellaneous Incoming Letter

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"Exhibit 2"

Claims as expected to issue:

1. A method for measuring and trimming the impedance of a driver device in a semiconductor device during a test being carried out before the regular operation of the semiconductor device, the driver device of the semiconductor device including each a pull-up circuit and a pull-down circuit, the method comprising:

substantially simultaneously activating both the pull-up circuit and the pull-down circuit; and

determining a first current flowing through the pull-up circuit or the pull-down circuit, respectively, with substantially simultaneously activated pull-up and pull down circuits during the test carried out before the regular operation of the semiconductor device.

2. A method for measuring and trimming the impedance of a driver device in a semiconductor device during a test being carried out before the regular operation of the semiconductor device, the driver device of the semiconductor device including each a pull-up circuit and a pull-down circuit, the method comprising:

joint activating both the pull-up circuit and the pull-down circuit; and

determining a first current flowing through the pull-up circuit or the pull-down circuit, respectively, with jointly activated pull-up and pull down circuits during the test carried out before the regular operation of the semiconductor device;

wherein the pull-up or pull-down circuits, respectively, are connected to a supply voltage pad or a ground connection, respectively, of the semiconductor device, and the method further comprising:

joint de-activating both the pull-up circuit and the pull-down circuit; and

determining a standby current flowing between the supply voltage pad and the ground connection with jointly de-activated pull-up and pull down circuits.

"Exhibit 2"

3. The method according to claim 2, wherein the pull-up or pull-down circuits, respectively, are connected to a voltage supply pad or a ground connection, respectively, of the semiconductor device, and the method further comprising:
 - joint activating both the pull-up circuit and the pull-down circuit; and
 - determining a total current flowing between the supply voltage pad and the ground connection with jointly activated pull-up and pull-down circuits.
4. The method according to claim 3, further comprising determining the first current by deducting the standby current from the total current.
5. The method according to claim 1, further comprising:
 - determining a voltage dropping over the pull-up and/or pull-down circuit, in particular with substantially simultaneously activated pull-up and pull-down circuits.
6. The method according to claim 1, further comprising:
 - determining a voltage dropping over the substantially simultaneously activated pull-up and pull-down circuits.
7. The method according to claim 1, wherein one or several of the method steps are performed several times in sequence, each with different settings of transistors contained in the pull-up or pull-down circuits, respectively.
8. The method according to claim 1, the method comprising:
 - determining a total impedance of the pull-up and pull-down circuits.

"Exhibit 2"

9. The method according to claim 7, wherein, on the basis of a total impedance determined or the first current determined, respectively, and a voltage dropping over the pull-up and/or pull-down circuit as determined, one of said settings is selected that is to be used during regular operation of the device.
10. The method according to claim 1, wherein the device is a driver device used for the driving of output signals during the regular operation of the semiconductor device during the test carried out before the regular operation of the semiconductor device.
11. The method according to claim 1, wherein the device is a test device not used for the driving of output signals during the regular operation of the semiconductor device, the test device for selecting the driver setting for at least one other semiconductor device during the test carried out before the regular operation of the at least one other semiconductor device.
12. The method according to claim 11, wherein the test device is connected with a device provided on the semiconductor device itself, by means of which a voltage dropping over the pull-up and/or pull-down circuit is determined.

CERTIFICATE OF MAILING

EXPRESS MAIL

Applicant:	Georg Müller	Group: 2858, 2829
Application No.:	10/663,448	Examiner: CHAN, Emily Y
U.S. Patent No.:	7,126,326, B2	Confirmation No. 1586
Filed:	September 16, 2003	Docket No.: BGJ-102

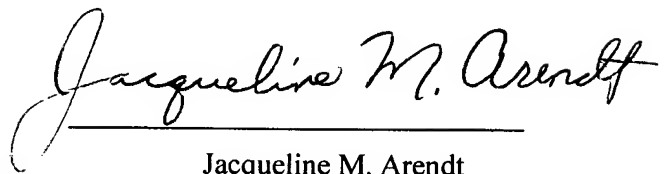
For: Semiconductor Device Testing Apparatus, Semiconductor Device Testing System,
and Semiconductor Device Testing Method For Measuring and Trimming the Output
Impedance of Driver Devices

DATE OF DEPOSIT: February 16, 2007

I hereby certify that the correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

Enclosed:

1. Return Receipt Postcard (1);
2. Petition Under 37 CFR 1.181 and 35 USC 254 for Correction of Patent (5 pgs.);
3. Exhibit 1 (4 pgs.);
4. Exhibit 2 (3 pgs.);
5. Exhibit 3 (9 pgs.); and
6. Certificate of Mailing (1 pg.).



Jacqueline M. Arendt

Customer No. 44590
ARENDR & ASSOCIATES INTELLECTUAL PROPERTY GROUP
P.O. Box 299
Harvard, MA 01451-0299
Telephone: (978) 897-8400
Facsimile: (978) 582-5547